

Minutes of: CALIFORNIA STATE ATHLETIC COMMISSION
Meeting Specifics: Regular Commission Meeting
March 22, 2001 – 9:00am
El Segundo – Embassy Suites - LAX South
1440 East Imperial Avenue
El Segundo, CA

1. CALL TO ORDER BY CHAIRMAN

Commissioners Present: Manuel “Cal” Soto, Chairman
Elmer Costa, Vice-Chairman
Alvin Ducheny
Van Gordon Sauter
Sanford Michelman

Commissioner Not Present: Don Novey

Staff Present: Rob Lynch, Executive Officer
Anita Scuri, DCA Legal Counsel
Earl Plowman, Deputy Attorney General – Licensing
Frank Munoz, Recording Secretary
Dean Lohuis, Chief Inspector
Sal Barajas, Assistant Chief Inspector
Leydis Church, Associate Governmental Program Analyst

CLOSED SESSION

Pursuant to Government Code Section 11126 (e)(1)(A) the commission met in closed session to discuss the pending litigation of Ms. Gwen Adair.

2. APPROVAL OF JANUARY 25, 2001 COMMISSION MEETING MINUTES

No corrections were made.

Action: Motion by Vice-Chairman Costa and seconded by Commissioner Michelman to approve the January 25, 2001 minutes.

Vote: Unanimous

3. SUMMARY OF CHAIRMAN ACTIVITIES SINCE LAST MEETING

Before Chairman Soto gave an update on his activities, he administered a ten count in memory of Referee Dick Young.

Chairman Soto introduced the commission's two new commissioners Messrs. Van Gordon Sauter and Sanford Michelman. At that point, Mr. Lynch swore in commissioners Sauter and Michelman as members of the California State Athletic Commission. Following that, Commissioners Sauter and Michelman gave a brief summary of their personal history.

Commissioner Sauter stated that he was delighted to be a member of the commission because he was a lifelong fan of the sport. He informed the commission that for a brief time he had a minor role in the sport of boxing in a business capacity and he looked forward to serving on the commission to best represent the quality, expansion, and celebration of the sport within the State of California.

Commissioner Michelman echoed Commissioner Sauter's statements. He added that it was a great honor to serve on the commission and he looked forward to working with his fellow commissioner in the years to come.

At that point, Chairman Soto gave his update. Chairman Soto stated that he attended the ringside physicians' clinic on January 27, 2001, which was chaired by Dr. Paul Wallace. He informed the commission that the clinic was well attended and the physicians practiced their ring mechanics during mock bouts. He added that he had been attending the ringside physicians' clinics for seven years and every meeting that was held he had learned something new.

During one of the topics of the ringside physicians' clinic, Chairman Soto stated that referee Chuck Hassett gave a presentation on the importance of the ringside physician being seated in a neutral corner. Chairman Soto stated that the benefit of this was to establish communication between the referee and the ringside physician in between rounds to discuss the fight and to determine if a fighter's safety was in jeopardy.

Chairman Soto stated that he enjoyed getting out and going to gyms in the East Los Angeles area and in other locations because he liked to see people participating in the sport. He added that during some of his tours he had met former champions as well as up and coming persons who participate in the sport.

4. SUMMARY OF EXECUTIVE OFFICER ACTIVITIES SINCE LAST MEETING

Mr. Lynch stated that on February 7, 2001 he and Ms. Church met with Daniel Kim, Chief Consultant to Assemblymember George Nakano. Mr. Lynch informed the commission that Assemblymember Nakano might carry the commission's proposed legislation to secure the funding to regulate mixed martial arts. Also on the same day, Mr. Lynch, Ms. Scuri, and Mr. Plowman met with several attorneys to review a proposed promotional contract. Mr. Lynch stated that the contract had all of the trappings of a promotional contract but the parties involved swore that it did not. He added that it was a very lucrative contract, which would involve a matchmaker with links to HBO boxing but the commission's current regulations did not address or recognize matchmaker/boxer contracts. In essence, Mr. Lynch stated that the contract was well written but he did not approve it.

Mr. Lynch informed the commission that the commission's Los Angeles office had began moving as staff had to be in the new location by April 1, 2001.

Mr. Lynch stated that he had several conversations with Jay Barkman, Chief Consultant for Assemblymember Lou Correa. He informed the commission that Assemblymember Correa, at the request of Dr. Wallace, was considering carrying legislation to require hepatitis C testing for boxers and martial arts fighters. He added that Assemblymember Correa would not carry any legislation related to pregnancy testing for female boxers.

Mr. Lynch informed the commission that on March 14, 2001, the commission's 2001-02 budget was heard by Senate Subcommittee Number 4. The subcommittee was chaired by Senator Polanco and the members were Senators Aekerman and Dunn. The commission's budget of 1.1 million dollars was passed on consent and is composed as follows:

- Support (General Fund) \$936,000
- Pension (Spending Authority Figures) \$ 88,000
- Neuro (Spending Authority Figures) \$101,000

Following the March 14, 2001 budget hearing, Mr. Lynch stated that on April 3, 2001 the commission's budget would next be heard by the Assembly Budget Committee comprised of Assemblymembers: Nakano-Chair, Campbell, Pacheco, Papan, and Wright. Mr. Lynch noted that the commission's budget was again on consent.

Lastly, Mr. Lynch stated that veteran referee/judge Dick Young passed away on March 16, 2001 at the age of 86. He noted that Mr. Young was a licensed official since 1956.

Commissioner Ducheny asked Mr. Lynch if there was an update since February 7, 2001 regarding the proposed legislation of mixed martial arts that Assemblymember Nakano agreed to carry for the commission. Mr. Lynch stated that he was told that they were still considering it. Commissioner Ducheny asked Mr. Lynch if he should follow up on this since Mr. Lynch did not have a definite answer. Mr. Lynch stated that he would give Assemblymember Nakano's office a follow up call and he would report the information to Commissioner Ducheny.

5. LICENSE APPROVALS – NEW APPLICATIONS – SPECIAL CONSIDERATIONS – ACTION

5.1 Ed Holmes - dba All Star Boxing, Inc. - Professional Boxing Promoter – Original

Mr. Lynch reported that Mr. Holmes was applying for an original 2001 professional boxing promoter license. He stated that All-Star Boxing met all of the licensing requirements and was issued a temporary professional boxing promoter license on February 21, 2001. He added that Mr. Holmes' boxing experience consisted of training fighters and Mr. Holmes had assisted with the previous promotions held at the Quite Cannon in Montebello.

After being granted a temporary license, All-Star Boxing promoted their first show on February 23, 2001 at the Quiet Cannon. Mr. Lynch reported that the event was not a major financial success but the bouts were evenly matched and staff experienced no problems. He noted that Mr. Sergio Verduzzco would act as matchmaker.

Mr. Lynch recommended to the commission that Mr. Holmes be granted a 2001 professional boxing promoter license.

Commissioner Ducheny referred to Mr. Holmes' financial statement regarding the total of machinery and equipment. He asked Mr. Holmes what equipment did he have that came to the amount of \$216,900. Mr. Holmes informed Commissioner Ducheny that the equipment was x-ray machines and tables.

Referencing Mr. Holmes application, Chairman Soto asked Mr. Holmes how much percentage of the promotion did his matchmaker, Sergio Verduzzco, possess. Mr. Holmes stated that Mr. Verduzzco possessed 49% of the promotion. At that point, Ms. Scuri stated that there were a couple of problems with the application. The first problem was on question number 9 that asked for a list of all names and addresses of all persons connected with the promotion which was not completed. Also, Ms. Scuri pointed out that on the application Mr. Holmes indicated that All Star Boxing, Inc. was a corporation so she stated that if that was correct Mr. Holmes needed to change the applicant name to All Star Boxing, Inc. instead of Ed Holmes.

Action: Motion by Commissioner Ducheny and seconded by Vice-Chairman Costa to grant All Star Boxing, Inc. an original 2001 professional boxing promoter license contingent on the completion of question number 9 and that the applicant name be changed to All Star Boxing, Inc. instead of Ed Holmes.

Vote: Unanimous

5.2 Kay Slack, Edward Slack & Darin Slack - dba USA Fights - Professional Boxing Promoter - Original

Mr. Lynch reported that the Slacks were applying for an original 2001 professional boxing promoter license. He stated that Super Show Productions, Inc./USA Fights met all of the licensing requirements and was issued a temporary professional boxing promoter license on January 22, 2001. He added that the Slacks had no direct experience promoting professional boxing events, but they did have extensive experience in sales and the marketing and promotion of other ventures. He noted that their first event was scheduled for March 16, 2001 at the Riverside Convention Center. Mr. Lynch informed the commission that Mr. Jerry Bilderrain would act as the matchmaker for the Slacks' promotion.

Mr. Lynch informed the commission that at the March 16, 2001 event an unforeseen problem occurred that was not the fault of the Slacks. He reported that the main event had to be canceled which caused a major riot. He added that there had been riots before at past events and unfortunately that was just a part of boxing.

At that point, Mr. Lohuis stated that he was impressed with the Slacks' first promotion because they were very well organized and very cooperative. He reported that it was the most unfortunate end to a main event that he had ever seen but the Slacks handled the situation with dignity and class despite their major financial set back on their first promotion.

Mr. Lynch asked the Slacks if they were still interested in promoting boxing. Mr. Edward Slack stated that indeed they would still continue to promote pro/am boxing cards throughout the Southern California area. He added that they have been promoting computer shows and gun shows throughout the Southern California area and they felt that the promotion of boxing would be an asset for them to make a profit.

Mr. Lohuis stated that the pro/am cards have been occurring since the commission had met with USA Boxing, Inc. to discuss the jurisdiction over amateur boxing. He reported that this event was the first example of a pro/am show that was a real value for the money and he felt that this event was what every promoter envisioned. He added that the amateur bouts were very competitive and were matched with the very best amateurs around which resulted in the amateur bouts being more action packed than the professional bouts. Mr. Lohuis noted that the pro/am cards really do work and he saw a benefit for the promoter as well as the paying public.

Chairman Soto asked Mr. Edward Slack how many amateur bouts did he have during the event. Mr. Edward Slack stated that there were four amateur bouts and four professional bouts.

Based upon the statements regarding the Slacks' first event, Mr. Lynch recommended to the commission that Super Show Productions, Inc./USA Fights be granted a 2001 professional boxing promoter license.

Ms. Scuri informed the commission that the Slacks' application needed to be changed because the Slacks indicated that they were a corporation so the applicant name should be changed to reflect Super Show Productions, Inc./USA Fights instead of their personal names. Also, she noted that question number nine needed to be completed to list all names and addresses of all shareholders.

Action: Motion by Commissioner Ducheny and seconded by Vice-Chairman Costa to grant Super Show Productions, Inc./USA Fights an original 2001 professional boxing promoter license contingent on the completion of question number 9 and that the applicant name be changed to Super Show Productions, Inc./USA Fights instead of their personal names.

Vote: Unanimous

5.3 George Del Junco & Javier Del Junco - dba All Events Unlimited, Inc. - Professional Boxing Promoter - Original

Mr. Lynch reported that Messrs. George and Javier del Junco were applying for an original 2001 professional boxing promoter license. Mr. Lynch noted that Javier del Junco had held a California Professional Boxing Promoter license since 1995 but the 2001 application was classified as an original application because of the addition of George del Junco. He stated that Javier was the sole name on the license but it was long suspected that All Events was one of the major "license lenders" in the state. He added that a license lender was technically the promoter of record but they were actually a "frontman" who had loaned or rented their license to an unlicensed entity. While this might have been the case, Mr. Lynch stated that it was very difficult to prove.

Mr. Lynch informed the commission that Mr. George del Junco had an extensive background in boxing, which consisted of being licensed by the commission as a second since 1997, and he worked with numerous high profile boxers since 1983. He noted that one of the high profile boxers that he currently worked with was world champion Shane Mosely.

Mr. Lynch stated that the commission might want to ask George del Junco questions surrounding his three year prison sentence in 1988 for insurance fraud and forgery plus the 1991 suspension of his chiropractor license by the California Board of Chiropractic Examiners. He added that before the commission granted All Events Unlimited a 2001 promoter license, it should consider Business and Professions Code Section 18667 which states:

"The commission shall not issue any promoter's license to an applicant unless the commission is satisfied that the applicant is the real party in interest, and intends to conduct, hold, or give such contest itself. In no case shall the commission issue a license to a promoter unless, the promoter will receive at least 25 percent of the net receipts of any promotion."

Mr. Lynch informed the commission that George del Junco would act as the matchmaker for All Events Unlimited.

Before Mr. Lynch gave staff recommendation, he asked the commission if they would like to ask Javier del Junco any questions.

Chairman Soto stated that he had heard several rumors that All Events Unlimited was lending their promoter license to unlicensed promoters so that they could hold events. He added that if that was the case, Javier should have been at all of the events where his licensed was being used. Javier stated that he attended every event where his licensed was used except one event because All Events Unlimited had two scheduled shows on the same day.

At that point, Commissioner Ducheny asked Javier where George was because he wanted to ask him a few questions. Javier stated that George had to attend a trial. Commissioner Ducheny stated that he could not support any motion of granting All Events Unlimited a license if the persons requesting a license were not present to answer questions. Javier stated that the application for licensure was for a corporation and not a personal

license. Commissioner Ducheny asked Javier if George was the principal owner of All Events Unlimited. Javier informed Commissioner Ducheny that George was the principal owner. Javier added that he had held a promoter license since 1995 and because of all the "red tape" with including George on the application the commission did not even grant All Events Unlimited a temporary license.

Commissioner Ducheny stated that he could not receive comments or ask questions of George regarding his conviction. Javier asked if the statements were available at the last meeting. At that point, Mr. Plowman informed Javier that All Events Unlimited was not even an agenda item at the previous meeting so the commission could not have even considered it. Javier stated that he objected to the way that All Events Unlimited's application process was dealt with by the commission and he did not feel that changing his license from a sole proprietor to a corporation was that big of a deal. Once again, Commissioner Ducheny stated that how could he or the commission grant a license to a corporation if they could not even question the people who run it.

Mr. Plowman advised Javier that a corporate license was entirely different from the sole proprietor license because All Events Unlimited needed to attain a new bond and also there were different people involved. He added that this was why there were questions that the commission wanted to ask and get answers from George del Junco. Javier concurred.

Referencing All Events Unlimited's application, Mr. Plowman stated that George was listed a 90% shareholder and president of the corporation. Javier concurred and stated that he was backing out of the promotion because of all the problems that occurred during the recent year. Mr. Plowman asked Javier that if the commission granted the license would he resign from All Events Unlimited. Javier stated that he was not going to resign from the promotion but he was going to take on less of the responsibilities of the promotion because of the allegations that were made about him.

At that point, Chairman Soto informed Javier that the commission was going to table this issue until the next commission meeting so that George could be present to answer questions. Javier asked the commission if they could grant All Events Unlimited a temporary license until the next meeting. Mr. Lynch recommended that they not be granted a temporary license and Commissioner Ducheny concurred. Javier stated that he had submitted all of the required paperwork that for licensure and he did not understand what the problem was. Mr. Lynch informed him that all the paperwork was in order but the commission had the right to question George before any license was given.

Ron Arnold, legal counsel to All Events Unlimited, stated that he worked with All Events Unlimited by helping out with matchmaking and also ensuring that the events and the promotion was run correctly pursuant to the commission's rules and regulations. He asked the commission if they could hear this topic at a later time if George was able to attend this meeting. Javier stated that the trial began at 9:00 a.m. and George was going to try to make it to the meeting sometime before 12:00 p.m.

Mr. Lynch suggested that the commission could do a teleconference call at a later date and time to ask George questions. Commissioner Ducheny did not feel that this was a good idea because he wanted this topic to be addressed in front of the public. Ms. Scuri stated that this teleconference would be open to the public but it would have to be at a place that the commission agreed upon and an audience could be there to hear the conversation. Commissioner Ducheny stated that this item should be tabled until the May commission meeting.

Commissioner Ducheny asked Mr. Arnold if he was licensed to be a matchmaker. Mr. Arnold stated that he was not licensed but he had already submitted all licensing paperwork to staff. He added that George was the matchmaker but he asked him to help out so he did. Commissioner Ducheny asked Javier if they had a licensed

matchmaker for their promotion. Javier informed him that they did not.

Promoter, Roy Englebrecht, asked the commission to consider changing Article 5 of the license approval guidelines. He stated that he supported other persons who want to apply and promote boxing because he was a firm believer that a "rising tide raises all boats" but in most cases there were a lot of "leaky boats" (referring to other promoters). He asked if the commission could do away with the temporary license because 11 years ago before he first promoted his first show he had to fly from Los Angeles to Sacramento to appear before the commission to be approved to promote. He noted that once the approval was given then he was allowed to promote his first show. He added that the licensing requirements were much tougher then as opposed to the current procedures.

Mr. Englebrecht was concerned that if the commission continued to grant the temporary licenses the "in process" promoters would promote shows and when they appear before the commission at a later time for their final approval several problems occur which delay their approval. He stated that it would be the same situation if he were to go to the NBA with one-million dollars, obtained a NBA team, "fell on his face", and then go back for approval but he already destroyed that market. He asked the commission if in their private time could they consider doing away with the temporary license because if a person wanted to be a licensed promoter they should not be allowed to promote a show or go into a community and take money from the consumer until they come to a commission meeting and get approved. He felt that this would be the correct practice because currently it was not happening and it could result into bad business for the sport.

Mr. Lynch stated that he did not see a difference because if applicant had to wait to get the approval of the commission before they promoted their first show that person could still "fall on his/her face". He noted that with a temporary license it gave the applicant a chance to get his/her "feet wet" and also gave staff the opportunity to see if that person could "cut the mustard" as a promoter. He added that if the promoter did not meet the expectations of the commission, staff could deny them a license without scheduling them to appear before the commission.

Mr. Englebrecht stated that he did not disagree with Mr. Lynch's statements but he felt that there was a potential of liability because currently there were non-approved promoters taking money from the consumer and bouncing checks before they were even approved by the commission. He added that if a person wanted to become a promoter it should be done right before he/she were allowed to go and collect money from the consumer.

Mr. Plowman informed Mr. Englebrecht that the commission had a specific mandate (B&PC 18679) from the Legislature on temporary permits. Mr. Englebrecht asked if the commission could change it. Mr. Plowman stated that the commission could not change this mandate.

Commissioner Ducheny reiterated on Mr. Lynch statement that staff could base their opinion on whether a promoter should appear before the commission for final approval based on the event or events held while promoting on a temporary license. He did not have a problem with the current practice. The commission concurred.

For the record, there was a brief break on this topic to await the appearance of Mr. George del Junco.

For the record, Mr. George del Junco arrived at 12:15p.m.

Ms. Scuri informed George that on the application they did not answer question number 9. At that point, Mr. Arnold asked Ms. Scuri if she was looking at the correct application because he had sent in a revised version of the application to staff. Ms. Scuri stated that the application she was looking at was dated January 10, 2001. Mr.

Arnold stated that there was another application with all of the correct information which listed the shareholders. He noted that Jessica Finch (commission staff) sent out two applications for which he received one and the other was received by Javier. He added that both applications were turned over to the commission, this could have resulted in Ms. Scuri not having the correct version of the application. Mr. Lynch ensured the commission that staff would find it.

George stated that he and Mr. Arnold had personally delivered the correct version of the application to the Los Angeles office and Jamie Johns (commission staff) had made copies of the application for them for their records and she insured them that the application would be sent to the Sacramento office.

Commissioner Ducheny asked what the difference was between the two applications. Mr. Lynch stated that the application that he had at the meeting was only signed by Javier but he remembered seeing an application at the Sacramento office which was signed by both Javier and George. He noted that it was a staff mistake.

Commissioner Ducheny asked George if the written statement that was enclosed with the application was his. George concurred. Commissioner Ducheny asked George if, in fact, he served 19 months in prison. George concurred. Commissioner Ducheny stated that in the written statement George stated that he did not do anything wrong. George concurred and stated that he still felt that way. Commissioner Ducheny asked why he pled guilty if he was innocent.

George explained that the attorney that represented him had advised him, after he had already served the 90-day processing period, to show remorse and plead guilty to the charges and in return the judge would sentence him to 3 years of probation and he would be allowed to go home. He stated that he came outside of the holding cell, appeared in front of the judge, apologized to the court, and pled guilty to the charges but to his amazement the judge did exactly the opposite and sentenced him to 3 years. He added that after he served his time he was released and attained the legal services of another attorney and took his previous attorney to court. In court the attorney admitted to receiving funds to use George as an "escape goat". He noted that his chiropractic license had never been touched especially when the attorney admitted to the deception. George informed the commission that he was originally given a plea bargain of a misdemeanor and three months of jail time but since he had nothing to do with the crime he spent \$45,000 of his own money to fight the case and ended up being found guilty of something that he had no part of.

Ms. Scuri stated that she objected to George's statement that his license was never touched because the Board of Chiropractic Examiners provided records that stated that, in fact, George's license was suspended, stayed and placed on 5 years probation with a 60-day suspension with standard terms and conditions.

Commissioner Ducheny stated that he had a problem with George not holding himself responsible for something that he pled guilty to. He added that he also had a problem with George saying that he was set up. At that point, Commissioner Ducheny asked Javier if he had ever rented or lent his promoter license. Javier stated that he had co-promoted events with other promoters. Commissioner Ducheny asked if it was a fact that the "promoters" that he "co-promoted" with were unlicensed and did most of the work while operating under his license. Javier stated that to his knowledge they were not licensed as promoters in the State of California but he knew that some of them were licensed in other states. Commissioner Ducheny relayed to Javier that he was in a situation where there were allegations made against him but he was not guilty until proven. Commissioner Ducheny added that George currently wanted to be a part of the promotion but he could not take even accept the responsibility of his actions. This made Commissioner Ducheny nervous because they wanted to "partner up".

Commissioner Ducheny pointed out another problem relating to their financial statements. He asked George if all he had in the bank was \$4,000. George concurred. Commissioner Ducheny reported that on the financial

statement it should total assets of \$209,000, liabilities of \$96,500, and the only real asset was the total net worth of \$112,500 which was in accounts receivable of \$180,000. Commissioner Ducheny stated that in other words they did not have any money. He added that this was what made him nervous because here was a company that did not have any money, could not accept the accountability for their crimes, and blamed everyone else for their problems.

Javier asked Commissioner Ducheny if he had his financial statement available. At that point, Commissioner Sauter asked Mr. Lynch if there were any financial guidelines that a promoter had to meet before the commission could approve their license. Mr. Lynch informed him that there were no financial requirements and the financial statement was basically used to show how and where the promoter made his/her money.

Mr. Lynch stated that a promoter must qualify for a bond. Commissioner Sauter asked if All Events Unlimited had met the requirements of obtaining a bond. Mr. Lynch concurred. George informed the commission that All Events Unlimited did not have a bond but they had a saving account for five years with the required \$20,000.

Mr. Lynch explained to the commission that a promoter had several different ways of meeting the bond requirement. He stated that the promoter could get a "surety bond" which meant that the promoter would have to put up some type of collateral and pay a premium or they could do the "assignment of savings in lieu of a bond" which meant that a promoter would open a savings account in the commission's name with the amount of \$20,000. He noted that the \$20,000 bond was a minimum requirement and if the fighters' purses or projected state taxes were going to exceed that then the commission could increase the amount.

Commissioner Michelman asked Mr. Lynch if the \$20,000 bond was used if the promoter could not fulfil his obligations. Mr. Lynch concurred.

George asked Mr. Lynch if throughout All Events Unlimited's history did they always maintain a good working relationship with the commission. Mr. Lynch concurred but he stated that he was a little leery of some of their promotions because he knew that they were not the actual promoters but he could not prove it. For example, he informed the commission of the shows that Tuto Zavala held in California. He stated that Javier was present but he knew that Mr. Zavala received the television proceeds.

George stated that he did not want to bring this up but since he was being singled out he informed the commission that there were several promoters present at the meeting that were guilty of renting their license out. He added that if All Events did rent their license they still committed themselves to the sport. Chairman Soto informed George that it was illegal to rent a license. Commissioner Ducheny stated that All Events committed themselves to making money. George informed the commission that All Events hardly made any profits from their shows and had in fact lost money in trying to do good for the sport. He added that he had been involved with the sport of boxing for over 20 years and currently had been assisting his brother with promoting for the past 5-6 years. He noted that they have never turned a profit of more than \$100.

Commissioner Ducheny found that hard to believe so he asked George if he had proof that would back up his claim. George stated that he could show the commission proof and he could bring in fighters to testify that when All Events did not even make the gate they still fulfilled their obligations to the fighters and whomever else. George informed Commissioner Ducheny that in the community of boxing a "name" was something that a person could be proud of and had to earn. He noted that his name was at the highest level.

Commissioner Ducheny stated that another problem was that it was unfair for a promoter to rent or lease their license to unlicensed persons because the licensed promoters had to pay the licensing fee, meet all of the requirements of licensure and appear before the commission to get final approval. He added that those actions

cut the state out of issuing licenses and it was unfair to the promoters who followed the rules.

George stated that All Events had co-promoted only four events and if those events did not occur the state would have missed out on the tax money and the licensed officials that were assigned to work the events would have also missed out on money. He noted that the officials had jobs and the state made money because of the fact the he and Javier extended themselves to the poor people that promoted the events. He added that while everyone else made money All Events Unlimited did not turn a profit.

George stated that All Events Unlimited wanted to leave a legacy in boxing and they wanted a chance to upgrade the sport and assist their fighters in achieving their goals. He noted that he had devoted over 20 years of his life to boxing from working with the amateurs to working with at the Great Western Forum where he worked day in and day out taking care of fighters. He added that his office was free for all fighters like it has been for over 20 years. He stated that he was not rich but he was happy because he could still help his fellow man and all that he wanted was the opportunity to continue that trend.

George stated that it was sad that Commissioner Ducheny could hold something against him that happened over 13 years ago and at the same time be paranoid that he would do something bad again. Commissioner Ducheny stated that he did not hold anything against him he was just bothered that George could not accept the responsibility of his actions. George asked Commissioner Ducheny if he had time to read the transcript from the court. Commissioner Ducheny stated that he did not have it.

George reported that he was the person who initially turned the people into the Sheriff's office and a year later it came back to him because the people were working out of his office. He stated that he was not licensed or even a doctor at the time but his brother Javier was and he ran the office. He added that he was just an assistant doing therapy but he was found guilty of billing. He stated that he did not know how he could have been found guilty of billing because he wasn't even a doctor at the time so how could he have billed. He noted that none of the billing came back to him, the signatures did not match, and it was proven that he did not cash any checks at the bank.

In all fairness, George stated that if Commissioner Ducheny would have taken the time to read the court's transcripts he could have seen for himself all of the gaps and errors that occurred.

At that point, Chairman Soto asked if any other commissioners had comments.

Commissioner Michelman reported that he had read all of the documentation that was provided and acknowledged the situation that occurred 13 years ago which concerned George. He stated that he did not place that much importance onto it but what bothered him was the issue of All Events lending or renting their license. All that put aside, Commissioner Michelman stated that he would move for staff recommendation with the highlight being that if staff ever determined that All Events Unlimited were renting their license then the commission take strong action against them.

Action: Motion by Commissioner Sauter and seconded by Commissioner Ducheny to grant All Events Unlimited, Inc. an original 2001 professional boxing promoter license but if staff determined that All Events Unlimited, Inc. was not the promoter of an event staff would not hesitate to cancel the event and suspend their license.

Vote: Unanimous

6. APPEAL OF SUSPENSION/RETIREMENT - ACTION

6.1 Luis Tapia - Second - Suspended

Mr. Lynch informed the commission that Mr. Tapia was suspended indefinitely for violating Commission Rule 390 which states in part, "...any licensee who violates the rules of the Athletic Commission or who conducts himself in a manner which is a discredit to boxing may have his license revoked, or may be fined, suspended, or otherwise disciplined in such a manner as the commission may direct..."

Mr. Lynch reported that Mr. Tapia booked his fighter, Awel Abdullai, to fight on February 22, 2001 at the Hollywood Park Casino; however, Mr. Tapia neglected to tell the Hollywood Park promoter, IGM Enterprises, Inc., that he had also booked Mr. Abdullai to fight in Baltimore on February 20, 2001. Mr. Lynch informed the commission that the bout in Baltimore was a hard ten round fight in which Mr. Abdullai was knocked down and lost a ten round decision. He added that after the bout, Mr. Abdullai was given a 28-day rest period in which he could not fight in Maryland. Mr. Lynch noted that any fighter who fought in a 10 round bout in California would be given a minimum 7 day rest period.

Mr. Lynch stated that staff did not become aware of Mr. Abdullai's 28-day mandatory rest period in Maryland until the day of the Hollywood Park bout, which was February 22. For an example of Mr. Tapia's deception, Mr. Lynch explained that at the February 21 weigh in at the Hollywood Park Casino Mr. Lohuis asked Mr. Tapia where Mr. Abdullai was. Mr. Tapia informed Mr. Lohuis that Mr. Abdullai's car had broken down when in fact Mr. Abdullai was really flying back from Baltimore.

Mr. Lynch stated that Mr. Tapia's actions showed a total disregard for Mr. Abdullai's health and safety. He added that had Mr. Abdullai fought in California only two days after the hard Baltimore fight, the results could have been tragic. Mr. Lynch noted that it was brought to his attention that Mr. Tapia attempted to book Mr. Abdullai on a March 10 event which was still less than the 28-day Maryland rest period. Due to Mr. Tapia's actions, Mr. Lynch recommended that Mr. Tapia's second license remain suspended until the end of the current license year (12-31-01) effective March 22, 2001.

Mr. Tapia advised the commission that Mr. Abdullai was present to testify. Mr. Tapia stated that Mr. Abdullai's car did indeed brake down while traveling from Las Vegas to Los Angeles and he was not flying back from Baltimore at the time of the weigh-in. He also testified that he did not try to book a fight for Mr. Abdullai for a March 10 event. He asked the commission where did they receive that information from and also if the commission had proof such as a contract to prove that allegation. Mr. Lynch stated that staff just received the information. Mr. Tapia stated that this was one of the problems with the sport of boxing because certain people talked and liked to spread rumors.

Chairman Soto asked Mr. Tapia how long had he been involved with boxing. Mr. Tapia stated that he started boxing when he was seven years old, had 33 professional fights, and had a total of 40 years of overall experience. Chairman Soto asked Mr. Tapia if he was familiar with the rules and regulations of the state of California since he had over 40 years of experience in boxing. Mr. Tapia stated that he did know the rules of California but he was unaware of there being a suspension or rest period for Mr. Abdullai that would have prevented Mr. Abdullai from participating in the event in California. He added that he contacted the Maryland Athletic Commission and was advised by one of their staff members that there was no suspension in place for Mr. Abdullai.

Mr. Lynch stated that Mr. Abdullai was the semi-main event for the February 22, 2001 IGM Enterprises event. Since the promoter of IGM Enterprises was present at the meeting, Mr. Lynch asked Mr. Robert Matias when Mr. Tapia first approached him to acquire a fight for Mr. Abdullai. Mr. Matias stated that Mr. Tapia did not

contact him it was IGM Enterprise's matchmaker who contacted Mr. Tapia. Mr. Lynch asked Mr. Matias when the fight was actually booked. Mr. Matias informed him that the fight was booked about three weeks before the event, which was possibly around February 1, 2001. Mr. Lynch noted that Mr. Tapia booked Mr. Abdullai for the February 20, 2001 Maryland fight on February 2, 2001 which was one day after he booked the February 22, 2001 Hollywood Park event.

Mr. Tapia stated that he currently oversaw the direction of four fighters and he liked to book fights for them anywhere from two months to 30 days in advance to ensure the fighters made enough money to pay their bills. Chairman Soto asked Mr. Tapia where did the health and safety of the fighter come in because Mr. Tapia allowed his fighter to fight less than seven days after a hard 10-round fight. He added that Mr. Tapia disregarded his fighter's health and safety. Mr. Tapia stated that he did have his fighter's safety in mind. He noted that Mr. Abdullai had trained with him for over three years and he always looked out for him as well as his other fighters.

Mr. Abdullai stated that he fought a 10-round fight in Maryland but he did not get knocked out. He reported that his opponent threw a left hook and then pushed him, which caused him to fall to the canvas. He noted that the knock down was not counted and the fight continued. After the fight and the post fight physical exam, Mr. Abdullai boarded a flight back to Las Vegas. He informed the commission that once he returned to Las Vegas he called Mr. Tapia to inquire about any other events that he could participate in due to money problems. He informed the commission that he made \$2,000 for the Maryland fight but he had to pay rent, child support, and send money to his ailing mother. He added that he was unaware that he had to rest before he was permitted to fight again.

Chairman Soto advised Mr. Abdullai that by law the commission's purpose was to ensure the health and safety of all fighters. He added that the thought of Mr. Abdullai fighting after a hard 10-round fight before the mandatory rest period was disturbing. At that point, Mr. Abdullai apologized to the commission and stated that he was unaware of the rest period. Chairman Soto stated that if Mr. Abdullai did not know the rules then his second, Mr. Tapia, should have.

Mr. Tapia stated that each state's rules and regulations varied. He reported that some states do not require the rest period were as others have a minimum of seven days up to 30 days. This being the case, Mr. Tapia informed the commission that he was unaware of the mandatory rest period and he did not intentionally schedule a fight for Mr. Abdullai or try to undermine the commission. He added that he found out of the rest period at the February 22, 2001 and was suspended on the spot by one of the inspectors as ordered by Mr. Lohuis.

As a result of his suspension, Mr. Tapia's stated he could not work his fighters' corners so in retaliation the fighters wanted to back out of the February 22 event but he did not feel that those actions were fair to the promoter, the commission or the public so he insisted that his fighters honor their agreement. Since he could not work their corners, he noted that other persons that he did not know ended up working his fighters' corners. He added that since he disallowed his fighters to leave the event it showed how much he cared about the business and his fighters.

Chairman Soto stated that in Mr. Tapia's letter of appeal to the commission Mr. Tapia stated that Mr. Lohuis was at fault because he relented and asked that Messrs. Tapia and Abdullai come to the event by 5:00 p.m. Chairman Soto did not agree with the statement that Mr. Lohuis was at fault so he asked Mr. Lohuis for input. Mr. Lohuis stated that he had a meeting out of the immediate area due to another event and he received a phone call on his cellular phone from Mr. Abdullai. He noted that he could not understand what Mr. Abdullai was saying over the cellular phone due to static and Mr. Abdullai's accent so he requested that Mr. Abdullai come to the event so that they could speak in person.

Chairman Soto asked Mr. Lohuis if Mr. Abdullai appeared at the event. Mr. Lohuis stated that Mr. Abdullai did

appear but due to the meeting that he attended he was unable to speak with Mr. Abdullai himself so Inspector Joe Borrielli informed Messrs. Tapia and Abdullai of the situation. He noted that Messrs. Tapia and Abdullai disliked the decision but they accepted it and did not raise a "ruckus" about it. He added that he was still very shaken that Mr. Tapia showed a total disregard of his fighter's safety because Mr. Tapia knew of the hard 10-round fight in Maryland which his fighter was knocked down twice, lost widely on the score cards, and received a 28-day rest period.

Mr. Lohuis stated that even though Maryland did not post the suspension on the nationwide list it did not give Mr. Tapia the excuse to allow his fighter to fight somewhere else. He noted that Maryland staff informed Mr. Tapia that Mr. Abdullai should not fight for 28 days due to health and safety reasons. Also, Mr. Lohuis stated that when he spoke to the Maryland commission they truly felt that if Mr. Abdullai was to participate in another fight before the 28-day rest period it could have resulted in the inevitable (death). Mr. Lohuis informed Mr. Abdullai that the commission personally did not have anything against him but they were just looking out for his health and safety.

At that point, Mr. Lynch stated that the bottom line was if Mr. Abdullai could not fight in Maryland for 28-days why should he be able to fight in California. Mr. Tapia agreed but he reiterated that he contacted the Maryland commission and was informed that Mr. Abdullai was not on suspension. While that might have been so, Mr. Lynch stated that it was a matter of semantics because a 28-day rest period was the same as being on suspension.

Commissioner Ducheny asked Mr. Lynch to clarify the allegation of Mr. Abdullai's flight from Maryland. Mr. Lynch reported that Mr. Abdullai fought in Maryland on February 20 and the weigh in for the event in California was on February 21 at 11:00 a.m. He stated that it was impossible to fly from Maryland in that timeframe to make the February 21 weigh in. He added that this was why he believed that he was flying in from Maryland at the time of the weigh in and not driving as stated by Messrs. Tapia and Abdullai.

Mr. Tapia stated that Mr. Abdullai flew from Maryland to Las Vegas on February 21 and the fight in California was on February 22. He informed the commission that Mr. Abdullai arrived in Las Vegas at 11:00 a.m. and he started traveling from Las Vegas to Los Angeles at around 5:00 p.m.

At that point, Layla McCarter informed the commission that she could attest to Mr. Tapia's statements because she was present when Mr. Abdullai called Mr. Tapia and informed him of the car troubles.

Chairman Soto stated that no matter what the reason was there was still the issue of the rest period.

Once again, Mr. Tapia reiterated that he did not purposely try to undermine the commission in anyway. He added that his best interest was for the sport of boxing.

Mr. Lohuis asked Mr. Tapia that if his interest was for the sport of boxing why didn't he inform Mr. Matias of the possibility of Mr. Abdullai not being able to participate in the February 22 event. Mr. Lohuis stated that Mr. Tapia knew that his fighter had participated in a 10-round bout and still tried to conceal that fact. He added that Mr. Matias scheduled Mr. Abdullai for a semi main event but Mr. Matias was unaware of the possibility of the fight being canceled due to a required rest period. In response to Mr. Lohuis' question, Mr. Tapia stated that it was only a six round fight and it wasn't even a main event.

Mr. Barajas informed the commission that he was present at the February 22 event and was also aware of the situation. He stated that the two main points that he had gotten out of the meeting was the concern of fighter safety and that Mr. Tapia was unaware of the rest period. Assuming the rest period was nonexistent, he asked

Mr. Tapia if he still would have done what he did. Mr. Tapia stated that he probably would have not. Mr. Barajas stated that it appeared that Mr. Tapia was not really concerned for his fighter's safety. Mr. Tapia stated that he was concerned for his fighter's safety as well as all of the other fighters that he trained. Mr. Tapia noted that he had worked with Mr. Matias on several prior occasions, had never had any troubles with him or any other promoter, and it was his first time being suspended.

Chairman Soto stated that in Mr. Abdullai's statements he informed that commission that he needed extra money but it was Mr. Tapia's responsibility to deny that request due to fighter safety. Mr. Tapia stated that he denied the request and advised Mr. Abdullai that he needed to take a rest due to the hard 10-round fight but Mr. Abdullai had informed him that his mother was sick and needed \$10,000. He added that Mr. Abdullai had asked him if he could borrow the money or if he could set him up with a fight. At that point, Chairman Soto stated that it was still unacceptable.

Mr. Jean Valdez stated that Mr. Tapia was a good friend and he had been to several fights where Mr. Tapia's fighters have competed. He noted that in some of the bouts Mr. Tapia's fighters were getting beat and Mr. Tapia did not hesitate to stop the fight to protect his fighters' safety.

Chairman Soto asked Mr. Valdez if he got the point of this whole situation. He informed Mr. Valdez that Mr. Tapia was going to let his fighter participate in a bout two days after a hard 10-round fight. He added that Mr. Tapia totally disregarded his fighter's safety. Mr. Valdez stated that he had observed Mr. Tapia in several bouts and in his opinion Mr. Tapia always held safety first. With health and safety in mind, Chairman Soto asked Mr. Valdez if he would have scheduled a fighter to fight knowing that he had participated in a bout two days prior. Mr. Valdez stated that he would have had to see the fight.

Commissioner Ducheny asked Mr. Tapia if, in fact, Mr. Abdullai was knocked down twice during the February 20 event. Mr. Tapia stated that not to his recollection but Mr. Abdullai advised him during a phone conversation after the fight that he had been knocked down. Chairman Soto noted that Mr. Abdullai stated that he was pushed down. Commissioner Ducheny stated that on the record it noted that Mr. Abdullai was knocked down twice so even if he was pushed it was still counted as a knock down. He added that Mr. Abdullai was knocked down twice and fought a hard fight but Mr. Tapia still scheduled him to fight two days later. Mr. Tapia stated that he did not know it was a hard fight. Commissioner Ducheny advised Mr. Tapia that being a second/trainer it was his job to know. He added that asking a desperate person needing money of his opinion on his fight and then taking his word for it did not show a very good sign.

Mr. Abdullai advised that commission that he would never do this again. Mr. Lynch stated that if he would have fought he might not of had the chance to do it.

Mr. Lynch stated that the bottom line was that Mr. Tapia should take a "little vacation" from his license until December 31, 2001, which would allow him time to become familiar with the various states' rules and regulations that he deals with.

Ms. McCarter informed the commission that she had a belt to defend, Mr. Tapia was her manager/trainer and she felt that Mr. Tapia had always looked out for her best interests. She stated that if Mr. Tapia had any concerns about Mr. Abdullai's safety she did not feel that he would have booked Mr. Abdullai for the event. She noted that she saw Mr. Abdullai after the fight and he did not have any marks on him, which lead her to believe that the fight Mr. Abdullai participated in must had been an easy one.

Vice-Chairman Costa asked Ms. McCarter if Mr. Tapia was her manager. She stated that Mr. Tapia was her manager and trainer. Vice-Chairman Costa stated that Mr. Tapia did not have a manager's license in California

and he was only licensed as a second. Mr. Tapia informed him that he was licensed as a manager in Las Vegas.

Mr. Tapia stated that it was a mistake and it never was his intention to jeopardize Mr. Abdullai's health and safety. He informed the commission that this was his first time being suspended and he had never had any problems with California prior to this incident. He noted that he managed 42 fighters and he trained a lot of other fighters.

At that point, Mr. Costa asked Mr. Matias if Mr. Tapia helped out with IGM Enterprises' promotions. Mr. Matias reported that Mr. Tapia had fighters fight on his events but he did not help out with his promotion. He noted that with his several dealings with Mr. Tapia he felt that Mr. Tapia was very honorable. He stated that he saw Mr. Abdullai and did not believe that physically Mr. Abdullai had any potential injuries, which would have prevented him from participating in his promotion, but he did not know if there might have been possible injuries to Mr. Abdullai's brain. Mr. Matias felt that a yearlong suspension for Mr. Tapia was harsh and he felt that if Mr. Tapia was suspended for that long of a period it could end up harming his fighters because someone else would be training them.

Chairman Soto stated that since Mr. Tapia was involved with boxing so long he should have been familiar with every state's rules and regulations that he deals with. Mr. Matias stated that ignorance was not an excuse for not knowing the laws but he stressed that it might harm his fighters. He asked the commission for leniency for Mr. Tapia. He recommended that the commission could fine Mr. Tapia and if Mr. Tapia was to engage in acts of this nature again the commission could permanently suspend his license.

Mr. Lynch stated that there was still a possibility that if the commission granted Mr. Tapia back his license he could still do it again. Commissioner Ducheny concurred.

Commissioner Sauter asked Mr. Lynch if he had heard anything during the statements given regarding this situation which would cause him to change the recommendation that he gave to the commission. Mr. Lynch advised him that his recommendation would stand.

Action:	Motion by Commissioner Ducheny and seconded by Chairman Soto to deny Mr. Tapia's appeal and suspend him until December 31, 2001.
Vote:	4 - 1
Ayes:	Chairman Soto, Commissioners Ducheny, Sauter, and Michelman.
Noes:	Vice-Chairman Costa

Following the vote, Mr. Tapia asked the commission if the suspension would affect his manager's license. Mr. Lynch advised him that he would doubt if any state would allow him to work as a manager or a trainer while suspended in California.

6.2 Jose Gonzalez - Professional Boxer - Retired

Mr. Gonzalez was not present so the commission tabled this item until the next commission meeting.

7. AUDIT RESULTS - OFFICE OF STATE AUDITS AND EVALUATIONS - INFORMATION

Mr. Lynch reported that the Department of Finance's Office of State Audits and Evaluations completed their audit of the Athletic Commission's internal controls. He stated the their findings were relatively minor and included the following:

1. Inadequate controls over the use and access of the security safe
2. Checks not endorsed in a timely manner
3. Inadequate property controls
4. Inadequate controls over check-holds (uncleared collections)

He advised the commission that staff responded to their findings, which were basically agreed to and had taken the necessary steps to correct the deficiencies. He added that any business that was subjected to an audit by a state or private auditor, even if the business was run with utmost care, they would inherently find something wrong.

For an example, Mr. Lynch stated that the “Inadequate controls over the use and access of the security safe” was basically if the person who is responsible for the safe left the room for break he/she would have to lock the safe before leaving. He ensured the commission that all of the problems had already been taken care of.

Chairman Soto asked about the “Inadequate controls over check-holds”. Mr. Lynch informed him that check-holds were checks that were kept and placed in the safe if a licensee was fined or suspended at an event. He stated that staff had sometimes left checks in the safe a little bit long but he had since corrected that problem. He noted that check-holds were dealt with a lot faster by cashiering the check and scheduling the persons to appear before the commission or granting a full or partial refund.

8. COMMITTEE REPORTS – INFORMATION/ACTION

8.1 Arbitration Committee Report

Mr. Plowman reported that there were three pending arbitration hearings and two standing arbitration hearings that were awaiting decisions.

8.2 Pension Plan Review Committee Report

Mr. Lynch asked the commission if the commission’s investment services provider representative could appear at the May meeting to brief the commission on the status of the pension investments. Chairman Soto concurred.

8.3 Medical and Safety Standards Advisory Committee Report

8.3.1 Selection of Members

Mr. Lynch informed the commission that the Medical Advisory Committee currently consisted of the following members:

- Dr. Paul Wallace, Chair
- Dr. Smith Ketchum
- Dr. Van Buren Lemons
- Dr. Tirso del Junco, Jr.
- Dr. David Lowenberg

He stated that he and Chairman Soto had discussed the removal of Drs. del Junco and Lowenberg from the committee and seek suitable replacements because they had not contributed any information when staff had requested. He added that he would also like to reach a full complement of six members pursuant to Section 18645 of the Business and Professions Code. He recommended that staff could achieve this goal by recruiting

physicians through the Medical Board's news bulletin where staff could write an article to explain what the commission's authority and duties were. Based on that article, he would await for responses.

Ms. Scuri recommended that staff could also request a list of expert physicians that the Medical Board used and see if they were interested in being part of the committee.

Action: Motion by Commissioner Ducheny and seconded by Vice-Chairman Costa to remove Drs. del Junco and Lowenberg as members of the Medical Advisory Committee.

Vote: Unanimous

8.3.2 Pregnancy Testing

Dr. Wallace introduced himself to the new commissioners and advised them that he was Chairman of the Medical Advisory Committee. At that point, he reported that the commission was very fortunate that there were no major injuries or deaths in boxing that had occurred within the state during almost the past two decades. He stated that this resulted from the good working relationship between the officials and physicians as well as the yearly clinics that were held. He noted that Chairman Soto had attended the recent ringside physicians' clinic which the physicians went over as much detail as they possibly could during the four hours they met. He added that boxing was getting more technical and just being licensed as an MD did not make someone qualified to be a ringside physician because it required a good understanding of the boxers appearance and ability to successfully compete during a bout. He informed the commission that California had more boxing events than most states and countries and he hoped that this trend continued. He welcomed the new commissioners and looked forward to their input regarding future topics.

Dr. Wallace informed the commission that he was going to address two topics which were pregnancy testing and hepatitis C testing. At that point, Commissioner Ducheny asked Dr. Wallace to address the two different topics under their assigned agenda item number instead of addressing them both at the same time. Dr. Wallace concurred.

Dr. Wallace informed the commission that he had met with several persons including the executive staff of DCA and during those meetings he was asked what the commission's position was regarding the proposed legislation of pregnancy testing. He notified the commission that he had not been able to answer this question. Mr. Plowman informed him that the commission had repeatedly indicated to the Department, the Sunset Review Committee, and other agencies that they were in favor of pregnancy testing. Mr. Plowman noted that the current situation was that numerous persons had indicated that they would not support the legislation of pregnancy testing. Mr. Lynch added that the current Director as well as the previous Directors of DCA would not support the legislation.

Dr. Wallace stated that in the majority of states as well as sanctioning bodies had in regulation that female boxers be given a pregnancy before they are permitted to participate in a bout. He added that it was also recommended by the Association of Boxing Commissions and to his knowledge no organized body had argued against it because of health and safety reasons.

Commissioner Ducheny asked Ms. Scuri what the opposition was from the Department relating pregnancy testing. Ms. Scuri stated that she did not know exactly what the opposition was. She noted that she assisted Dr. Wallace in drafting the proposed legislation for pregnancy testing and hepatitis C testing. She suggested that Commissioner Ducheny ask Mr. Lynch of the Department's opposition.

Mr. Lynch stated that the Department had not informed staff of the specific reasons why they did not want to support the pregnancy testing legislation. He noted that staff had informed the Department on several occasions

of the possibility of a female fighter fighting while pregnant but the Department had always sent back written notification that they decided not to support the legislation.

Mr. Plowman stated that the answer might have been that the Department saw that the legislation could be perceived that female fighters were treated different from male fighters. He noted that this was made clear during the Sunset Review.

Commissioner Ducheny asked Mr. Lynch that if the commission decided to move on this proposal did he feel that the proposal would hurt or discriminate against the fighters. Mr. Lynch stated that in his opinion the proposal was clear and it would not discriminate or harm the fighters. Mr. Lynch recommended that female fighters should be tested because if a pregnant woman fought and had a miscarriage who would be at fault.

Chairman Soto asked Mr. Lynch what the current policy was on pregnancy testing. Mr. Lynch stated that staff could do nothing. Chairman Soto asked Mr. Lynch if a waiver form could be signed before a female fighter was cleared to fight. Mr. Lynch informed him that staff could not even do that.

Due to pregnancy testing not being required in regulation, Chairman Soto informed Dr. Wallace that he could not administer any form of pregnancy testing of female fighters. Dr. Wallace stated that he had been advised of several different ways of dealing with this situation by past commissioners and executive officers. He reported that he was told that he could ask the female fighters if they were pregnant and then he was told not to ask that question. He noted that the main issue was that after all was said and done the ringside physician would be responsible as was declared in a meeting with the Medical Board Executive Officer, Ron Joseph. Since the commission's policy and/or rules were different from the Medical Board, Dr. Wallace stated that there needed to be some type of protection for the ringside physician so the burden of liability would not fall on the physician.

Dr. Wallace informed the commission that during the meeting with Mr. Joseph there were two main points of interest as follows:

1. Dr. Wallace stated that he was asked if he were supervising a bout what due diligence did he do to prove or to see that the female fighters were not pregnant. He stated that he informed Mr. Joseph that currently he could only ask the female fighters if they were pregnant or not and then have to take their word for it. Dr. Wallace reported that he was informed that only asking the question was not sufficient enough.
2. Dr. Wallace stated that in the case of a female fighter that was pregnant, fought, and did not have a miscarriage but delivered a baby with birth defects the State would be indemnified but the ringside physician would not.

At that point, Ms. Scuri informed the commission that Dr. Wallace had a valid point. She stated that one of the areas that the commission could try to address was the waiver of liability instead of placing in legislation the requirement of female fighters being tested. She noted that in some cases proposed legislation was not supported regarding female safety because of the potential of discrimination. She informed the commission that there was one case of a battery manufacturing plant that disallowed women of child bearing age to work in a certain area because of the high levels of lead that could result in birth defects in children. As a result of this policy, the company was found to have engaged in discrimination based on gender.

Ms. Scuri informed the commission that the commission faced problems with the proposed legislation and she felt that the waiver form would be a good alternative of dealing with this situation because a female fighter could sign a waiver form, which would protect the physicians. She stated that this might not stop people from suing the commission but it could reduce the possible occurrences.

Commissioner Ducheny asked Ms. Scuri if her proposal of the waiver form would work better than the proposed legislation. Ms. Scuri stated that she only recommended the waiver form as an alternative and the commission could always seek the legislation depending on the political climate of the legislature. She noted that currently there was not an author to carry the legislation and on prior occasions the commission had the same problems.

Commissioner Ducheny stated that the commission needed to make a decision one way or another whether the commission wanted to move forward on the proposed legislation. Ms. Scuri advised him that the commission could either have Dr. Wallace go out on his own and try to find a sponsor or the commission itself could try to find a sponsor. She stated that if the commission felt that pregnancy testing should be a requirement than the commission could sponsor legislation or could support legislation if someone else proposed it. Mr. Plowman stated that these actions could put the executive officer in the “hot seat” because he would be going against the Department’s recommendation of not pursuing the proposed legislation. Ms. Scuri stated that if the Department did not want to sponsor the legislation it did not preclude the commission from doing so.

Commissioner Sauter asked Mr. Lynch if staff had met with the Department and informed them of the physicians’ concerns and the liability issues. Mr. Lynch stated that staff had presented all of its concerns to the Department on several occasions but they still would not support the legislation. Commissioner Sauter asked if staff had recommended to the Department the issue of protection of the physicians rather than advising them of the circumstances. Also, he wanted to know if staff had taken a position to them. Mr. Plowman stated that the commission was currently working on providing waiver language for a form that a person could sign at the time the physical examination to protect the physicians. Since the commission could not get to “first base” in finding an author or getting support from the Department, Mr. Plowman stated that this was the best that the commission could do. He added that the commission was currently outside of the circle, which meant that the commission did not require pregnancy testing as is required by the Association of Boxing Commissions, numerous state commissions and sanctioning bodies.

Commissioner Ducheny asked if the Department had already opposed the waivers. Mr. Lynch informed him that staff had not yet presented it to the Department. Ms. Scuri stated that she did not think staff needed to present the waiver form to the Department because the waiver form was something that staff could ask the fighters to sign before they participated in an event. She added that if the commission were seeking legislation then staff would have to present it to the Department.

Mr. Lynch stated that the commission came to the same “road block” when they first were seeking legislation to require HIV testing for fighters. He reported that the Department was opposed to it and staff could not find an author to carry it until a world-renowned fighter, Tommy Morrison, became infected with HIV then the commission had a line of legislators that wanted to sponsor the legislation.

Mr. Plowman informed the commission that a pregnant fighter fought in the State of New York and since that broke the headlines he could not believe that any of the legislators in California did not want to sponsor the legislation.

Dr. Wallace informed the commission that during his conversations with the Department, the Department raised several issues. Firstly, they requested Dr. Wallace to produce cases of female fighters that had fought while pregnant in California. He informed the Department that he could not do this and he noted that 33% of married heterosexual females did not know that they were pregnant during the first three weeks. Secondly, Dr. Wallace stated that it was not his job to take into consideration someone’s sexual preference. He added that the fact was that he could not take the liability or the responsibility of telling someone that a fighter was pregnant or not unless he had something distinctly stating so. Lastly, Dr. Wallace informed the commission that there was a strong objection from the Department that the commission had not had a female appointed as a member of the

commission throughout its history. He added that they felt as though the commission was a male dominant organization.

Mr. Plowman stated that the issue of female commissioners had arisen before. He noted and Mr. Lynch had specially told Senators, who asked the question, that the commission has had female commissioners in the past and would again welcome a new female commissioner. He added that it was not the staff of DCA that appointed members, it was the Governor, Senate Rules Committee, and the Speaker of the Assembly.

Dr. Wallace stated that his position was that he needed the ringside physicians indemnified and if they were not and the commission could not move on something then there would be a potential of a major crisis. He noted that he contacted several malpractice insurance agencies and he was informed that the ringside physicians would not be covered under their insurance plan if a case such as this were to arise.

Commissioner Ducheny asked Chairman Soto if the commission was going to move on the proposed legislation. Chairman Soto stated that he supported Dr. Wallace because if he were a ringside physician he would want to be indemnified too. Commissioner Ducheny asked Mr. Lynch for his opinion. Mr. Lynch stated that he would refer to legal counsel. Ms. Scuri stated that this was not a legal issue but it was a policy issue.

At that point, Commissioner Sauter stated that it was not a legal issue. He felt that the commission had a responsibility to its ringside physicians because they assigned them to these positions. He added that if the commission was concerned with the ringside physicians' vulnerabilities then it would justify the commission to schedule a meeting with the appropriate staff of DCA. When meeting with DCA, Commissioner Sauter stated that they could ask them to put all politics and all the gender concerns aside because the commission as a whole felt a responsibility to its ringside physicians and did not want to put them in financial jeopardy for doing what they are asked to do. Also, he stated that the commission could ask the DCA staff if the commission could work anything out with them to meet on common grounds but if they still opposed then fundamentally the commission could do nothing.

Mr. Englebrecht asked if the commission would also have responsibility towards promoters who sign contracts with female fighters because there was a liability issue from them too. Mr. Lynch stated that if the inevitable happened everyone would get sued.

Once again, Commissioner Sauter recommended that commission staff schedule a meeting with the appropriate staff at DCA. The commission concurred.

Chairman Soto asked Commissioner Michelman for his input. Commissioner Michelman stated that there seemed to be two issues that were going on simultaneously, which were the liability of the ringside physicians and the health concerns of the fighter. He reported that he would have to meet with DCA to see what side they were playing and then he could be able to give his input. He added that he concurred with Commissioner Sauter's recommendation.

Commissioner Sauter suggested that before the meeting occurred it would be a good idea to poll the commissions that already have pregnancy testing in regulation to get their supporting documents and research to materials to better prepare themselves for the meeting with DCA.

Chairman Soto asked Dr. Wallace how many states currently required pregnancy testing. Dr. Wallace stated that he did not know exactly but he could say that the majority of the commissions that were a part of the Association of Boxing Commissions required it such as Nevada, New York, Pennsylvania, Florida, Texas, Connecticut, Massachusetts, Michigan, and Oklahoma.

Mr. Plowman stated that he had never seen any provisions in other states regarding the indemnification of a ringside physician so he asked Dr. Wallace if he was aware of any states that offered the indemnification. Dr. Wallace stated that there were no states that had a provision of indemnification, however, he noted that in Nevada the ringside physicians were protected legally for any decisions that they make during the course of an event. Mr. Plowman wanted to make it clear that the fight and ring calls were a different game and he noted that the physician could still be held liable in Nevada for certain licensing criteria such as physical exams and as well as other issues.

Dr. Wallace stated that this was the problem that the physicians had and he wanted to know what the commission recommended to resolve this issue in the meantime. Mr. Plowman stated that the commission was currently trying to deal with this situation the best they could. Dr. Wallace asked the commission if they would like to leave it to the discretion of the physician to require pregnancy testing. Ms. Scuri informed him that there was not a choice in the matter because it was not a condition of licensure, it was not a condition of fighting as a law, and it could not be included as a condition of licensure without legislation. Mr. Plowman noted that due to the silence of the law, California permits a pregnant woman to fight. Ms. Scuri stated that if it were apparent that a fighter was pregnant then it would be the ringside physician's duty to not allow that person to fight.

Mr. Valdez asked the commission who would pay for the pregnancy test because most fighters already had a lot of money coming out of their purses due to physicals, neurological exams, and blood work. Ms. Scuri informed him that the fighter would be responsible for that fee.

Commissioner Sauter asked if it would benefit the commission to convey to the female fighters that wish to fight in California that fighting while pregnant had a potential for injury. He referred to a warning label on a ladder, which states in part "...claiming a ladder has a potential for injury." Mr. Plowman stated that the only thing that he thought that would have an impact would be to have female fighters voice their support to the Department regarding the legislation to require pregnancy testing. Commissioner Sauter asked again if there was value in advising the female fighters of the potential injuries. Ms. Scuri concurred.

Mr. Michelman stated that the commission could also create an acknowledgement form that the physician could relay to the fighter that the risks of going forward with not being tested or being pregnant could result in injuries. He noted that this acknowledgement would implicitly limit the liability to the physician. Commissioner Ducheny asked if the commission could require a fighter to sign the form. Ms. Scuri stated that the commission could not require the fighter to sign it but the physician and/or staff could note that the acknowledgement form was read and received by the fighter. She added that she would be more than happy to draft the language.

Commissioner Sauter suggested that legal counsel explore the proper language to be used on the acknowledgement form.

Mr. Englebrecht asked the commission what the liability would be if he as a promoter required his female fighters to take a pregnancy test. Mr. Plowman stated that he could have a potential lawsuit.

Ms. Scuri suggested that the commission have a brainstorming session with staff and the ringside physicians to discuss the duties and responsibilities and from that meeting create different options to present to the Department. The commission concurred.

8.3.3 Hepatitis C Testing

Dr. Wallace reported that since amateur kickboxers were not required to wear headgear it resulted in them getting cut at the same rate of professional kickboxers. He stated that when the commission first drafted the legislation for blood work (HIV & HBV) as a requirement for licensure of professional boxers and kickboxers they forgot to include amateur kickboxers. On the other hand, he felt that the amateur boxers should not be included in any legislation that required them to submit any blood work as a requirement of licensure because they still wore headgear, which resulted in very few incidences of them being cut. Dr. Wallace added that he tried to locate a non-physician article about Hepatitis B but he could not find one. He noted that essentially Hepatitis B was far more contagious than HIV.

Dr. Wallace informed the commission that there was a recent situation involving a Hepatitis C case and after going through an emergency protocol which consisted of him talking to Mr. Lynch, Mr. Lohuis, Ms. Scuri and his fellow colleagues on the Medical Advisory Committee it was determined that an active carrier of Hepatitis C could not be approved to fight. He stated that the proposed legislation that was written regarding the inclusion of Hepatitis C as a requirement of licensure was self-explanatory and he was available for any questions that the commission might have.

Commissioner Ducheny asked Mr. Lynch what his opinion was on the proposed legislation. Mr. Lynch felt that the proposed legislation was written well. Commissioner Ducheny asked Ms. Scuri if she felt there would be any problems with getting the proposed legislation through the Department. Ms. Scuri felt that the Department could understand it and she did not feel that it would be a problem but she stated that she could not speak for the Department.

Commissioner Ducheny stated that he had read the proposal and was ready to make a motion. At that point, Ms. Scuri asked Commissioner Ducheny for clarification because she wanted to know if the motion would include that the commission sponsor the proposed legislation or support it if someone else sponsored it. Commissioner Ducheny stated that he would make a motion that the commission support the proposal if it was sponsored by someone else. Mr. Lynch asked Commissioner Ducheny if he wanted staff to draft a letter to Assemblymember Correa's office stating that the commission supports it. Commissioner Ducheny concurred.

Mr. Lynch asked Dr. Wallace if he had spoken to Assemblymember Correa recently and if Assemblymember Correa was still interested in sponsoring the proposal. Dr. Wallace stated that he had spoken to Assemblymember Correa's staff and he was informed that they were still interested in carrying it; however, Assemblymember Correa had already reached the maximum number of items that he was allowed to carry. Mr. Lynch reported that he spoke to Assemblymember Correa's staff a while back and they informed him that they were very interested in carrying it and they still had room on their list to sponsor it. Mr. Lynch added that during that conversation with them they asked why the commission did not include amateur kickboxers and Hepatitis C testing back in the original legislation. Mr. Lynch stated that he informed them that it was an oversight.

Commissioner Ducheny stated that if a sponsor could not be found during this session they could try finding a sponsor for the next session. He noted that it was too late into this year's session to find a sponsor for the proposed legislation because all of the legislators' items were probably full.

Action: Motion by Commissioner Ducheny and seconded by Vice-Chairman Costa to support the proposed legislation if it was sponsored by someone other than the commission.

Vote: Unanimous

Dr. Wallace asked for clarification because DCA kept asking him if the commission was sponsoring and/or

supporting this legislation. Ms. Scuri informed him that sponsoring and supporting were two different things. She explained that if the commission were to sponsor the legislation they would have to try to find an author, request staff to write a letter of support, and the commission would have to appear at the legislative hearings to testify. But if the commission supported the efforts of someone else who sponsored the legislation, the commission would not be required to do anything except write a letter of support and possibly appear at a legislative hearing to testify but on a minimal basis.

Commissioner Ducheny asked his fellow commissioners what their opinion was regarding the commission supporting and/or sponsoring the proposed legislation. Chairman Soto advised him that the commission had already expressed their ideas and he stated that since Commissioner Ducheny had already made a motion he wanted to know how he felt. Commissioner Ducheny stated that he was for supporting the proposed legislation.

Mr. Lynch asked Dr. Wallace if he could give a percentage on the susceptibility of a fighter contracting HIV and/or Hepatitis B & C if the fighter fought someone with either of the infections. Dr. Wallace stated that a fighter had anywhere between 50% - 80% chance of contracting any of the viruses while competing against another fighter that was infected.

Dr. Wallace stated that he still needed clarification. At that point, Mr. Plowman stated that it was the commission's assumption that Dr. Wallace had already found an author to support the legislation and all that the commission was going to do was support it. Ms. Scuri concurred. Dr. Wallace understood but he was concerned because there was no guarantee that Assemblymember Correa was going to be able to carry the legislation to the next session. He added that he did not have the time to continue to locate a sponsor for this legislation so he requested that the commission reconsider its motion and sponsor and support the legislation.

Commissioner Ducheny informed Dr. Wallace that if the legislation was important to him he should continue the effort of trying to find a sponsor. He added that he would be more than happy to assist Dr. Wallace in accomplishing that goal. Dr. Wallace felt that it was the commission's responsibility to act on the advice of its Medical Advisory Committee as well as protecting the health and safety of its fighters. Commissioner Ducheny stated that the commission had the right to support and/or sponsor the legislation.

Dr. Wallace stated that each time he had presented a health and safety issue to the commission, Commissioner Ducheny had been extremely rude to him and at a prior commission meeting Commissioner Ducheny had walked out while he was presenting his report to the commission. He added that he was very disturbed because the health and safety of the fighters in California were not being taken to the highest level. He noted that the proposed legislation was in effect in most states and he felt that basically if he did not find a sponsor to carry the legislation then the commission was not going to follow through with it.

For clarity, Dr. Wallace once again asked the commission what their stance was on whether they were going to sponsor and/or support the legislation. Mr. Plowman informed Dr. Wallace that the logical way of resolving this would be to ask the commission to make a motion to reconsider the previous motion based on the facts that he had provided.

Commissioner Sauter stated that if this were in fact a real health and safety issue then it would be the commission's responsibility to back the legislation. Since he was unfamiliar with this topic, he asked the commission if this was a source of real concern. Mr. Plowman stated that there was an existing law that required Hepatitis B testing but with the current amount of cases of Hepatitis C on the rise the Medical Advisory Committee saw that it was necessary to seek legislation to include Hepatitis C testing as a requirement of licensure.

Commissioner Sauter stated that if the commission backed the Hepatitis B legislation why was there opposition to

sponsoring the Hepatitis C testing. He noted that what he had heard so far about Hepatitis C it sounded as if it was more treacherous than Hepatitis B. Commissioner Ducheny stated that no matter how much the commission backed the legislation he did not feel that it would get carried during this session. Commissioner Sauter stated that the commission could sponsor and support the legislation at the most appropriate time when the commission finds an author. Commissioner Ducheny concurred.

Action: Motion by Commissioner Sauter and seconded by Commissioner Ducheny to resend the first motion, sponsor and support the proposed legislation at the appropriate time and charge the executive director with recognizing the concern the commission has with the potential health problems and to move at the most expeditious time possible to get the proposed legislation before the Legislature.

Vote: Unanimous

8.4 Legislative Committee Report

This item was addressed in agenda item 8.3.

8.5 Officials' Committee Report

Vice-Chairman Costa reported that the referee evaluations he had received were good and the new officials were doing great. He informed the commission that two of its licensed officials had a little skirmish at an event on February 15 and this issue would be brought before the commission once staff received all of the statements.

Chairman Soto stated that he heard of the situation between two of its officials. Since referee evaluator Larry Rozadilla was present, Chairman Soto asked him to give a report of the situation that occurred on February 15. At that point, legal counsel informed the commission and Mr. Rozadilla that it was not an appropriate time to address the subject because it was not an agenda item. Since Mr. Rozadilla could not give a report of the situation, he introduced himself to the commission and welcomed them aboard.

8.6 Amateur Boxing Committee Report

There was nothing to report.

9. AGENDA ITEMS FOR FUTURE MEETINGS

Commissioner Ducheny informed the commission that he was looking at the fine of \$50 for second, Mr. Tapia. At that point, Mr. Lynch informed Commissioner Ducheny that staff had a commission approved fine schedule which they based the fine amount of \$50 because it was Mr. Tapia's first offense. He added that since the commission suspended Mr. Tapia for the rest of the licensing year, Mr. Tapia would miss out on the booking fees of his fighters. Commissioner Ducheny stated that if the commission did not suspend Mr. Tapia all that he would have been fined was \$50 and he did not feel that this was right. Mr. Lynch stated that the \$50 fine was just for the first offense but if there were other incidences than it would be increased in increments of \$50.

Commissioner Ducheny requested that the fine amounts be placed on the next agenda for commission consideration. The commission concurred.

10. COMMISSIONERS' COMMENTS AND/OR RECOMMENDATIONS

Commissioner Michelman stated that he enjoyed his first meeting and looked forward to the future meetings.

11. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Mr. Englebrecht stated that there was action taken at the last meeting regarding the requirement that IGM Enterprises find a qualified matchmaker before it was allowed to promote their next show. He wanted to know the status of that requirement. Mr. Lynch informed Mr. Englebrecht that Mr. Jimmy Montoya was IGM Enterprises' matchmaker.

Dr. Wallace stated that there was a problem with the venue of Mare Island because the nearest level-one trauma center was located about 45 minutes away. He noted that Mare Island did not allow ambulances on its premises so the promoter would have to set up some type of medi-vac service if the promotion continued at that venue. He noted that not having ambulances on the premises was against the requirements of the Association of Boxing Commissions. He informed the commission that he would like to have this addressed at an upcoming meeting and he would write a report to support his recommendation.

Dr. Wallace informed the commission that at the last Riverside fight a fighter was injured and had to go to the hospital but the insurance forms were not available. He stated that he had brought this situation up on several occasions and it was his understanding that the commission instructed staff to send out a letter to the inspectors stating that the insurance forms needed to be assessable at ringside. He noted that in Northern California the inspectors would have the forms already completed and assessable to save time because if a fighter was knocked out and needed medical attention immediately there wouldn't be the time wasted on trying to locate insurance forms. He added that it was becoming a big problem in Southern California and it needed to be addressed.

The meeting adjourned at 1:15 p.m.

The draft minutes were prepared by:

FRANK MUNOZ

DATE

The final minutes were prepared by:

FRANK MUNOZ

DATE